

REMARKS

Applicants have studied the Office Action dated December 16, 2005 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-16 and 19-26 are pending. Claims 1-16 and 19-26 are amended. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- (1-3) objected to the information disclosure statement for informalities;
- (4) objected to the claims 8, 11, and 16 for informalities;
- (5-6) rejected claims 1-7, 9-16, and 19-26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. 2004/0210556 A1); and
- (7) rejected claims 8 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al. (U.S. Pat. Pub. No. US 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. US 2004/0210556 A1) and further in view of Nakanishi et al. (U.S. Pat. Pub. No. US 2002/0010711 A1).

Information Disclosure Statement

On page 2 of the Office action, the Examiner objected to the information disclosure statement for failing to comply with the provisions of 37 C.F.R. §§ 1.97, 1.98 and MPEP § 609. Specifically, the reference "http://www.w3c.org" is objected to for failing to list the author, title, and date.

Accordingly, a new information disclosure statement is submitted with this amendment. The new Information Disclosure statement, which states the title, publishing body, and date of publication, meets the requirements of 37 C.F.R. §§ 1.97, 1.98 and MPEP § 609.

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(4) Claim Objections

As noted above, the Examiner objected to claims 8, 11, and 16 for informalities. Specifically:

- claim 8 was objected to for reciting "a plurality of group." Accordingly, claim 8 has now been amended to recited "a plurality of groups."
- Claim 11 was objected to for repeating the phrase "invoking an XSL transformation engine." Accordingly, claim 11 has now been amended to state "wherein the step of invoking an XSL transformation engine includes invoking an edit to the viewable output pages."
- Claim 16 has been objected to for repeating the phrase "selected from the group of attachments." Accordingly, Claim 16 has been amended to remove the repeated phrase.

It is accordingly believed that the claims are now in condition for allowance, which is hereby requested.

(5-6) Rejection under 35 U.S.C. §103(a) Kutay et al. in view of Brooke

As noted above, the Examiner rejected claims 1-7, 9-16, and 19-26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. 2004/0210556 A1). Independent claims 1, 9, and 19 have been amended to distinguish and to more clearly define the present invention over Kutay et al. taken alone and/or in view of Brooke. Support for the changes is found on page 13, figures 4 and 5, and generally throughout the entire specification of the instant application. No new matter has been added.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Amended independent claims 1 and 9 recite, *inter alia*:

Claim 1: A method for creating an XML document for publishing using object dependency graph comprising:

...
defining an XML document based upon one or more reusable content objects, whereby at least one of the content objects includes at least one relationship with another content object and the relationship has been identified with **at least one object dependency graph that illustrates object dependency across multiple content objects using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of content fragments across the content objects;**
... (emphasis added)

Claim 9: A method for creating an XML document for publishing using object dependency graphs comprising:

...
updating an **object dependency graph that illustrates object dependency across multiple content objects using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of the fragments across the content objects;**
... (emphasis added)

The present invention is a system and method for publishing web documents efficiently and consistently. The invention is directed specifically to multiple document management and determines a correct and efficient order for updating objects within the documents. The present inventive system applies graph traversal algorithms to detect all objects which have changed and an efficient order for unifying the changed objects through all the affected documents. See page 11, lines 26-28 of the instant application.

Figure 4 of the instant application illustrates how, contrary to Kutay, the present invention allows multiple web pages P1, P2, and P3 to embed fragments P0 and P3 and sub-fragments P5 that have a complex dependency structure. See page 11, lines 13-22 of the instant application. The dependency structure is tracked by object dependence graphs. See FIG. 5 of the instant application. The graphs utilize

fragment or a connecting hypertext link. See page 13, lines 7-8 of the instant application. The dependency ensures that when a value has changed, the depending pages will be published concurrently.

Furthermore, the object dependency graph of the present invention utilizes "edges" defined by either the hyperlink from the first publishable Web page to at least the second publishable Web page or by a common embedded fragment shared between the publishable Web pages. See page 13 of the instant application. Therefore, the present invention provides synchronization of content across multiple documents.

Therefore, the present invention uses content objects (defined as portions of publishable web pages—see page 9, line 26 and page 15, lines 27-28 of the instant application) that include *"at least one relationship with another content object and the relationship has been identified with at least one object dependency graph that illustrates object dependency across multiple content objects using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of content across the content objects."* Claim 1 of the instant application.

The Kutay et al. reference is not analogous to the present invention. In contrast to the present invention, which synchronizes content across multiple Web pages, the Kutay et al. reference discloses a system and method for creating a single "source" document and presenting the "source" document to a user in a target format. In Kutay et al., a conversion user interface area is then presented to enable a user to convert the source document from the source format to the target format selected by the user.

Unlike the present invention, Kutay is concerned with only one document. Kutay, page 10, para. 173. Kutay does disclose multiple windows, or "dialog boxes" 1505, but because Kutay is concerned only with the source document, Kutay discloses only a

simple hierarchical, or parent/child, relationship. Kutay, page 11, paras. 173-185 and FIG. 15A. The dialog boxes allow attributes, such as name 1503, type 1506, etc., to be defined for the parent and are linked to the parent document in a hierarchical structure. Kutay, page 11, paras. 177-179, FIG. 15A. In other words, two documents, or elements, are connected by a direct, one-way parent/child dependency.

Clearly, Kutay does not show a system for maintaining synchronization of data across a complex order of multiple Web pages. Kutay does not, and has no motivation to teach **at least one object dependency graph that illustrates object dependency across multiple content objects**. Nor does Kutay teach **using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of content fragments across the content objects** as recited in amended claim 1 of the instant application.

As the Examiner correctly states on page 4 of the Office Action *"Kutay does not explicitly disclose the step of invoking an XSL transformation engine to produce one or more viewable output pages"* and goes on to combine Brooke.¹ Brooke is silent on *"at least one object dependency graph that illustrates object dependency across multiple content objects"* and *"one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of content fragments across the content objects"* as recited in the instant application.

The Examiner recites 35 U.S.C. § 103. The Statute expressly requires that obviousness or non-obviousness be determined for the claimed subject matter as a whole and the key to proper determination of the differences between the prior art and the present invention is giving full recognition to the invention as a whole. Kutay et al. taken alone and/or in view of Brooke simply does not teach or suggest **at least one**

¹ Applicants make no statement whether such combination is even proper.

object dependency graph that illustrates object dependency across multiple content objects using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of content fragments across the content objects.

Continuing further, when there is no suggestion or teaching in the prior art for that disclosed in the application, the suggestion can not come from the Applicants' own specification. As the Federal Circuit has repeatedly warned against using the Applicants' disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art. See MPEP §2143 and *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and *In re Fitch*, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cir. 1992).

It is accordingly believed to be clear that Kutay et al., whether taken alone or in combination with Brooke, neither shows nor suggests the features of claims 1 or 9. Independent claim 19 has been amended to recite the same limitations as does amended claim 9. Claims 2-8 depend from claim 1, claims 10-16 depend from claim 9, and claims 20-26 depend from claim 19. Since dependent claims contain all the limitations of the independent claims, claims 2-8, 10-16, and 20-26 distinguish over Kutay et al. and Brooke, as well.

(7) Rejection under 35 U.S.C. §103(a)

As noted above, the Examiner rejected claims 8 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Kutay et al., (U.S. Pat. Pub. No. 2002/0026461 A1) in view of Brooke (U.S. Pat. Pub. No. 2004/0210556 A1) and further in view of Nakanishi et al. (U.S. Pat. Pub. No. US 2002/0010711 A1).

In the section entitled "(5-6) Rejection under 35 U.S.C. §103(a) Kutay et al. in view of Brooke" above, the claim elements of **"at least one object dependency graph that**

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illustrates object dependency across multiple content objects” and “using one or more edges denoting relationships between one or more of the content objects so as to provide synchronization of content fragments across the content objects”, of independent claims 1, 9, and 19, absent from the Kutay et al. and Brooke references, were discussed. Claim 8 depends directly from newly amended claim 1 and claim 26 depends directly from newly amended claim 19. As stated above, independent claims 1 and 19 distinguish over Kutay et al. and Brooke. Since dependent claims contain all the limitations of the independent claims, claims 8 and 26 distinguish over Kutay et al. and Brooke as well.

Accordingly, the Applicants respectfully submit that it is not necessary at this stage to address the Nakanishi et al. reference applied in the rejection of dependent claims 8 and 26, and whether or not there is sufficient suggestion or motivation with a reasonable expectation of success for modifying the references, as required by MPEP § 2143. The Applicants respectfully request that the Examiner's rejection of claims 8 and 26 be withdrawn.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of


information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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